

# Ulster Canal and Tyrone Navigation Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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## ARRANGEMENT OF CLAUSES.

### Clauses.

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## B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide for the transfer of the Ulster Canal and the Tyrone Navigation or Coalisland Canal from the Commissioners of Public Works in Ireland to the Lagan Navigation Company, and to amend the Acts relating to the Lagan Navigation Company, and for other purposes.

A.D. 1884.

WHEREAS under and subject to the provisions of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of her present Majesty, chapter one hundred and nine, intituled "An Act for transferring the Ulster Canal to the Commis-  
5 "sioners of Public Works in Ireland," the canal and navigation known as the "Ulster Canal," in the counties of Tyrone, Armagh, Monaghan, and Fermanagh, and all the undertaking, property, and works thereof, and all powers, privileges, and authorities formerly vested in the Ulster Canal Company (which said property, under-  
10 taking, works, powers, privileges, and authorities are in this Act included in the expression "the Ulster Canal") are vested in the Commissioners of Public Works in Ireland (in this Act referred to as "the Commissioners"):

And whereas the canal and navigation known as the "Tyrone  
15 Navigation," or the "Coalisland Canal," in the county of Tyrone, and all the undertaking, property, and works thereof, and all the powers and authorities formerly vested in the Directors of Inland Navigation in relation thereto (which said property, undertaking, works, powers, and authorities are in this Act included in the expression  
20 "the Tyrone Navigation") are vested in the Commissioners:

And whereas the Commissioners are desirous of disposing of the Ulster Canal and the Tyrone Navigation (in this Act referred to as "the said canals"), and the Lagan Navigation Company (in this Act referred to as "the Company") are desirous of acquiring the  
25 same, but the transfer of the said canals to the Company cannot be carried into effect without the authority of Parliament:

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And whereas it is expedient to enable the said transfer to be effected and to make such provisions in relation to the said transfer as are herein-after contained :

6 & 7 Vict.  
c. civ.

And whereas the Company was by the Lagan Navigation Act, 1843, incorporated for the purposes of that Act and with the powers, privileges, duties, and liabilities therein mentioned, and the said Act was declared to be in force for the term of thirty-one years from the passing thereof, and was subsequently amended by the Lagan Navigation Act, 1873, and as so amended was continued for a further term of thirty-one years from the passing of the said last-mentioned Act :

36 Vict.  
c. lxxv.

And whereas it is expedient to make such provision as herein-after contained for the further continuance of the said Lagan Navigation Acts and for other matters relating to the Company in the event of the said transfer being carried into effect :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Ulster Canal and Tyrone Navigation Act, 1884; and the Lagan Navigation Act, 1843, and the Lagan Navigation Act, 1873, and this Act may be together cited as the Lagan Navigation Acts, 1843 to 1884.

Transfer of  
Ulster Canal  
and Tyrone  
Navigation  
to Lagan  
Navigation  
Company.

2.—(1.) The Commissioners, acting with the consent of the Treasury, and the Company may agree for the transfer of the said canals to the Company upon such terms and in such manner as may be agreed on, subject to the conditions following; that is to say :

(a.) The Company shall undertake to execute, under the supervision of some person appointed by the Commissioners, such works of repair and within such time upon the said canals, or one of them, as may be specified in the agreement :

(b.) The Commissioners may undertake to pay to the Company from time to time on account of the cost of the said works of repair, if executed in a manner approved by the Commissioners, such sums out of moneys provided by Parliament as may be specified in the agreement :

(c.) The Company shall undertake to pay to the Commissioners, in consideration for the said transfer and for such payments as aforesaid on account of the said works of repair, an annuity (in this Act referred to as "the said annuity") for such period and of an amount ascertained in such manner as may be specified in the agreement :

(d.) The Company shall undertake to keep the Ulster Canal open for navigation and in a fit state of repair for such period, being not less than ten years from the date of the completion of the works of repair herein-before mentioned, as may be specified in the agreement.

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(2.) The Commissioners and the Company respectively may execute all instruments and do all acts and things necessary for the purpose of carrying into effect the said agreement, and, on the date fixed for the transfer by the agreement, the said canals and all powers and duties of the Commissioners in relation thereto shall be transferred to and vest in the Company

3.—(1.) For the purpose of securing to the Commissioners the payment of the said annuity the Company may mortgage to the Commissioners the said canals, and the Lagan Navigation and all the undertaking, property, and works thereof, and the profits of the said canals and navigation; and the said annuity shall have priority over any loan raised by the Company in pursuance of any borrowing powers conferred by this Act; and the Commissioners shall have the same rights and remedies for the recovery of the said annuity as if the said annuity were charged for the repayment of a loan made by them to the Company in aid of the works of repair heretofore in this Act mentioned.

Power to Company to mortgage their property for payment of annuity.

(2.) All sums of money received by the Commissioners on account of the said annuity shall be applied in such manner as the Treasury may from time to time direct.

4. Upon the transfer of the said canals to the Company taking effect the Company shall have the following powers; that is to say,

Power to Company to provide vessels, levy tolls, and make bye-laws.

(1.) The Company may carry passengers, animals, and goods on the said canals, and may haul vessels, whether or not belonging to or used by the Company, upon the said canals, and may provide, by purchase, hiring, or otherwise, vessels, persons, animals, and apparatus and other means for the purpose of such carriage and hauling;

(2.) The Company may take remuneration for such carriage and hauling, so that the rates in respect of the carriage be approved in writing by the Commissioners, and so that the rate for any purpose mentioned in the Lagan Navigation Act, 1873, do not exceed the rate authorised for the like purpose by that Act;

(3.) The Company, for the purpose of recovering any such remuneration, shall have the same powers as they have for recovering any tolls or rates upon or in relation to either of the said canals or the Lagan Navigation;

A.D. 1884.

(4.) The Company shall have the same power of making, altering, amending, and repealing byelaws with respect to vessels provided or used by them as they have with respect to any other vessels using the said canals or either of them.

Extension  
of borrow-  
ing powers  
of Company.

5.—(1.) Upon the transfer of the said canals to the Company 5 taking effect, the Company shall have power from time to time to borrow on bond or on mortgage of the said canals and the profits thereof, or by the creation and issue of debenture stock, a sum or sums not exceeding in the whole ten thousand pounds for the following purposes or any of them; that is to say,

(a.) For the purpose of providing by building, purchase, or hiring vessels, animals, and apparatus for the purpose of the said carriage and hauling upon the said canals;

(b.) For the purpose of subscribing to any company or association for carrying goods upon the said canals; and

(c.) For the purpose of subscribing to any company or association making or managing any tramway connected with the said canals or any part or parts thereof.

8 & 9 Vict.  
c. 16.

(2.) For the purposes of this section the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by the Company on mortgage on bond, and Part Three of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, shall be incorporated with this Act; and where a loan is raised in pursuance of this section on mortgage the mortgagees may enforce the payment of any arrears of interest 25 on such mortgage by the appointment of a receiver; and for the purpose of the said incorporation this Act shall be deemed to be "the special Act."

26 & 27 Vict.  
c. 118.  
32 & 33 Vict.  
c. 43.

Prohibition  
of undue  
preference.

6. The Company shall not show any undue preference to any person in relation to the use of the said canals or any portion 30 thereof, or in the exercise of any power vested in the Company under or in pursuance of this Act, but every person shall be entitled to the use of the said canals and of any vessel provided by the Company in pursuance of this Act on the same terms on which any other person would be so entitled under similar circumstances. 35

Power to  
Company to  
dispose of  
Ulster Canal.

7. Subject to any undertaking entered into by the Company for the maintenance by them of the Ulster Canal for any period, the Company may close the said Ulster Canal, and sell, lease, or otherwise dispose of the land and property held on account of such canal, or any part or parts thereof, to any person for such consideration 40 and upon such terms as the Company think fit; and the Commissioners may release the charge created under this Act on any land

or property so sold, on such terms as, with the consent of the Treasury, they think fit. A.D. 1884.

Provided that nothing in this Act shall authorise the Company to sell, lease, or otherwise dispose of the Ulster Canal to any railway company unless and until the Board of Trade have certified by writing under the hand of the president or one of the secretaries or assistant secretaries of the Board that such sale, lease, or disposal is, in the opinion of the Board, in the interest of the public.

8. In the event of the transfer of the said canals to the Company taking effect, and the works of repair upon the said canals or either of them herebefore in this Act mentioned being certified in writing by the Commissioners to have been carried into effect in accordance with the provisions of this Act and the terms of the said transfer, so much of section two of the Lagan Navigation Act, 1873, as relates to the continuance of that Act and of the Lagan Navigation Act, 1843, shall be repealed, and the said Acts shall continue in force for the term of nine hundred and ninety-nine years from the date of the commencement of the period during which the said annuity is payable in like manner as if the term hereby limited for the continuance of the said Acts were substituted in the Lagan Navigation Act, 1843, for the term therein in that behalf mentioned.

Continuance of Lagan Navigation Acts.

- 9.—(1.) For the purpose of such works of repair and maintenance as are hereafter in this section mentioned there shall be formed, maintained, and administered in manner provided in this section a fund to be called the Lagan Navigation Reserve Fund, and the said fund shall be placed to the joint account of the Company, and of the Secretary to the Commissioners.

Formation and administration of reserve fund for purposes of Lagan Navigation.

- (2.) The Commissioners on being satisfied in any year that any works of repair or maintenance of an unforeseen and urgent character are requisite in connexion with the Lagan Navigation, and that the cost of such works is not fairly chargeable to the ordinary receipts of the Company in that year, may direct the payment of such sum or sums out of the Lagan Navigation Reserve Fund as may appear to them necessary for the purpose of such works.

- (3.) The Lagan Navigation Reserve Fund shall amount to the sum of one thousand pounds, and for the purpose of raising it to that amount, and from time to time maintaining it thereat, the Company shall in every year in which the said fund falls short of that amount set apart, out of the net revenue of the Lagan Navigation in that year, and place to the credit of the said fund the sum of one hundred pounds or any less sum sufficient to raise the said fund to the required amount.

